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GENERAL INVESTIGATION

APR 13 2005

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**FAX COVER LETTER**

DATE: April 13, 2005

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TO: Mail Stop Amendment  
Examiner: LILYBETT MARTIR  
Art Unit: 2855

FAX: (703) 872-9306

FROM: Shawn K. Leppo

Direct Dial: (717) 237-5218

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 24

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Transmittal Form  
Certificate of Fax Transmittal  
Response Under 37 C.F.R. 1.111 (19 pages)  
Fee Transmittal (in duplicate)

Attorney Docket No.: 124211/11941 (21635-0123)  
Application No.: 10/792,158  
Filed: March 3, 2004

**FAX NUMBER: (717) 237-5300**

PARALEGAL RESPONSIBLE: Kimberly A. Newell TELEPHONE: (717) 237-5239

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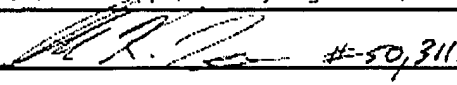
PTO/SB/21 (02-04)

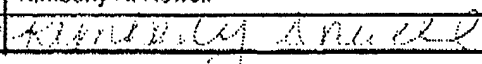
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/792,158
		Filing Date	March 3, 2004
		First Named Inventor	GORMAN et al.
		Art Unit	2855
		Examiner Name	MARTIR, LILYBETT
Total Number of Pages in This Submission	24	Attorney Docket Number	124211/11941 (21635-0123)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Certificate of Fax Transmittal</b>
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	McNees Wallace & Nurick LLC Shawn K. Loppo, Attorney Reg. No. 50,311
Signature	 #50,311
Date	April 13, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Kimberly A. Nowell		
Signature		Date	April 13, 2005

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**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
50.00**Complete if Known**

Application Number	10/792,158
Filing Date	March 3, 2004
First Named Inventor	GORMAN et al.
Examiner Name	MARTIR, LILYBETT
Art Unit	2855
Attorney Docket No.	124211/11941 (21635-0123)

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 50-1059 Deposit Account Name: McNees Wallace & Nurick LLC
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
25 - 20 or HP = 1 x \$50.00 = \$50.00		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>		
2 - 3 or HP = 0 x \$0.00 = \$0.00		
HP = highest number of independent claims paid for, if greater than 3.		
<b>Multiple Dependent Claims</b>		
N/A - N/A = N/A		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

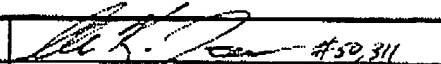
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
N/A - 100 = N/A / 50 = N/A (round up to a whole number) x N/A = N/A				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**  
N/A

Other (e.g., late filing surcharge): **Fees Paid (\$)**  
N/A

**SUBMITTED BY**

Signature	 #50,311	Registration No. (Attorney/Agent)	50,311	Telephone (717) 237-5218
Name (Print/Type)	Shawn K. Leppo			Date April 13, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/5B/17 (12-04v2)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 50.00

**Complete if Known**

Application Number	10/792,158
Filing Date	March 3, 2004
First Named Inventor	GORMAN et al.
Examiner Name	MARTIR, LILYBETT
Art Unit	2855
Attorney Docket No.	124211/11941 (21635-0123)

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- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
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- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
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<b>Indep. Claims</b>		
2 - 3 or HP = 0 x \$0.00 = \$0.00		
HP = highest number of independent claims paid for, if greater than 3.		
<b>Multiple Dependent Claims</b>		
N/A - N/A = N/A		

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
N/A - 100 = N/A	N/A	N/A (round up to a whole number) x	N/A	N/A

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

Fees Paid (\$)
N/A
N/A

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	50.311	Telephone (717) 237-5218
Name (Print/Type)	Shawn K. Leppo			Date April 13, 2005

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GENERAL INVESTIGATIVE  
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APR 13 2005

Attorney Docket No.: 124211/11941 (21635-0123)

Application No.: 10/792,158

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: GORMAN, Mark Daniel:

Application No.: 10/792,158

Group Art Unit: 2855

Filed: March 3, 2004

Examiner: Martir, Lilybett

For: TEST METHOD FOR ASSESSING THERMAL MECHANICAL FATIGUE  
PERFORMANCE OF A TEST MATERIAL**RESPONSE UNDER 37 C.F.R. 1.111**Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please consider the following Response for the above-referenced Application.

**INTRODUCTORY COMMENTS**

This Response is filed in response to the Office Action dated January 25, 2005.

The **Amendments to the Specification**: None.The **Amendments to the Claims** section begins on page 2 of this Response.  
This listing of claims replaces all prior versions and listing of claims.The **Amendments to the Drawings**: None.The **Remarks/Arguments** section begins on page 7 of this Response.The **Conclusion** section begins on page 18 of this Response.